

**Notice of Allowability**

Application No.

10/665,275

Applicant(s)

WAGO, KOICHI

Examiner

Martin J. Angebrannt

Art Unit

1756

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/24/07 & 5/9/07.
2. ☒ The allowed claim(s) is/are 1-3, 6, 20, 23-26 & 28-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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1. The petition decision relating to the acceptance of colored drawings is being mailed under a different cover. These new drawings do not add new matter, but serve to clearly illustrate the invention beyond that found in the black and white drawings previously of record. Savas et al. 'Large area achromatic interferometric lithography ...' J. Vac. Sci., Technol. B., Vol. 14(6) pp. 4167-4170 (11/12-1996) and Savas et al., 'Achromatic interferometric lithography for 100 nm period gratings and grids', J. Vac. Sci., Technol. B., Vol. 13(6) pp. 2732-2735 (11/12-1995) are added to the record to describe what is meant by achromatic interferometric lithography. The servo pattern language merely describes the capabilities of the apparatus as the finished article is never part of the apparatus.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raj Dave' on August 29, 2007.

The application has been amended as follows:

In claim 1, at line 2, please replace "a laser beam" with - - at least two interfering laser beams- - .

In claim 1 at lines 4-5, please replace "feature of" with - - servo pattern is --.

In claim 3, at line 2, please replace "controls" with -controls- -.

In claim 6, at line 1, please replace "forms" with - -can form the servo pattern with- -

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In claim 6, at line 2, please replace "a laser of the laser beam" with - - the two laser beams- -.

In claim 6 at line 3, please replace "beam" with - - beams-- .

In claim 20, at line 1, please replace "the laser" with - -a laser- -.

In claim 20, at line 2, please replace " two interfering" with - -the two interfering laser- - .

In claim 23, at line 1, please replace "laser is " with - -two laser beams are produced by- -.

In claim 25, at line 2, please insert - - servo- - before "pattern"

In claim 25, at line 2, please delete "and grids, or 25 nm lines and spaces"

In claim 26, at line 1, please replace "2I," with - -6 - -.

In claim 26, at line 1, please insert - - servo- -before "pattern".

In claim 29, at line 1, please replace "21," with - -6 - -.

In claim 29, at line 1, please insert - - servo- -before "pattern".

In claim 30, at line 2, please replace "feature" with - - servo pattern- - .

Please cancel claims 21,22 and 27.

In the specification on page 7 below line 17, (below "Brief description of the drawings",  
pleas insert "The patent or application file contains at least one drawing executed in color.

Copies of this patent or patent application publication with color drawing(s) will be provided by  
the Office upon request and payment of the necessary fee."

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3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach the apparatus described by the claims, specifically the arc shaped slit oriented such that the chord extends radially.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J. Angebrannndt whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Martin J Angebranndt  
Primary Examiner  
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8/29/2007